

### III. REMARKS

1. Claims 1-6 are pending in this Application.
2. The drawings are amended to overcome the objection. Replacement drawing sheets are being submitted herewith.
3. Claims 1-6 are patentable under 35 U.S.C. 102(b) over DiGiulio et al., U.S. Patent No. 5,178,224 ("DiGiulio"). Claim 1 recites sensing the format of the mail item and calculating the weight of the mail item within a particular range of weights obtained from the format. DiGiulio does not disclose or suggest this feature.

DiGiulio discloses a programmable microprocessor sensor controller (52) for a mailing machine (Col. 5, L. 13-14). The sensor processor (52) reads data from sensors placed throughout the mailing machine, processes the data as necessary and stores or writes the data in NVM-RAM at specified locations (Col. 5, L. 22-24). A motor controller (50) can read and write to the same or different memory locations, and uses the current status of the sensors, as established by the sensor controller (52), to provide command information for the drives and motors operating the various modules of the mailing machine (Col. 5, L. 25-29). The sensor controller (52) is programmed to poll each of the sensors located at various places in the machine and store the sensor information until called for the by motor controller (50) (Col. 5, L. 30-33). The weight of the mail piece is determined in a manner described by U.S. Patent No. 4,778,018 (i.e. by the change in harmonic motion of the weighing platform when the mail piece is placed on that platform) (Col. 8, L. 31-46).

Nowhere does DiGiulio disclose or suggest sensing the format of the mail item and calculating the weight of the mail item within a particular range of weights obtained from the format as claimed by Applicants. Therefore, claim 1 is patentable over DiGiulio. Claims 2-6 are patentable at least by reason of their respective dependencies.

4. Claim 1 is patentable under 35 U.S.C. 102(b) over Postalia, French Patent No. 2,388,352 A. Claim 1 recites sensing the format of the mail item and calculating the weight of the mail item within a particular range of weights obtained from the format. Postalia does not disclose or suggest this feature.

Postalia is a non-English publication to which a translation is to be provided under MPEP § 706.02 (i.e. "If the document is in a language other than English and the examiner seeks to rely on that document, a translation must be obtained so that the record is clear as to the precise facts the examiner is relying upon in support of the rejection"). However, Postalia discloses a franking machine comprising a classical "on the fly" weighing module. Nowhere does Postalia disclose or suggest sensing the format of the mail item and calculating the weight of the mail item within a particular range of weights obtained from the format. Therefore, claim 1 is patentable over Postalia.

5. Claims 1-6 are patentable under 35 U.S.C. 102(b) over Ramsden et al., U.S. Patent No. 5,831,220 ("Ramsden"). Claim 1 recites sensing the format of the mail item and calculating the weight of the mail item within a particular range of weights obtained from the format. Ramsden does not disclose or suggest this feature.

Ramsden discloses a system for accepting and storing items for subsequent pickup by a commercial carrier. The system includes a housing (12), a customer interface (16), a hooded overhang (18), a horizontal platform (20), indicia on the walls of the housing (12) or sensors for measuring the dimensions of a package and an electronic scale (22) for weighing the package. (Col. 5, L. 26-43). The calculated dimensions of the package are disclosed as being displayed to the customer on display device (322) (Col. 16, L. 48-51; Col. 17, L. 23-25).

The package size in DiGiulio is not disclosed as taking any part in weighing the package. Nowhere does DiGiulio disclose or suggest sensing the format of the mail item and calculating the weight of the mail item within a particular range of weights obtained from the format as claimed by Applicants. Therefore, claim 1 is patentable over Ramsden. Claims 2-6 are patentable at least by reason of their respective dependencies.

6. Claims 1, 2, 5 and 6 are patentable under 35 U.S.C. 102(b) over DeBarber et al., U.S. Patent No. 5,793,652 ("DeBarber"). Claim 1 recites sensing the format of the mail item and calculating the weight of the mail item within a particular range of weights obtained from the format. DeBarber does not disclose or suggest this feature.

DeBarber discloses a dimensional weighing apparatus (10) having a linear measuring frame (30) having arms (32, 34, 36) with contact members (66) for obtaining the dimensions of a package (Col. 6, L. 25-38). The computer processing means for determining the shipping weight of a carton includes processing means for determining whether or not the volume of a carton exceeds a predetermined threshold volume below which the processing means determines a shipping weight based on the weight of the carton as

determined by the weighing scale (Col. 4, L. 43-48). If the volume of the carton exceeds the threshold volume the shipping weight is based on the volume of the carton independent of the weight thereof as determined by the weighing scale (Col. 4, L. 48-51). This is not the same as what is claimed by Applicants.

In DeBarber, the volume of a carton is measured and compared to a threshold value. If the volume is below a threshold value the weight of the package is its actual weight as determined by the scale. If the volume is over the threshold value the weight of the package is the dimensional weight of the package. Nowhere does DeBarber disclose or suggest "sensing a format of the mail item" or calculating the weight "based on a particular range of weights obtained from the format of the mail item" as recited in claim 1. Therefore claim 1 is patentable over DeBarber. Claims 2, 5 and 6 are patentable at least by reason of their respective dependencies.

7. Claims 1-6 are patentable under 35 U.S.C. 102(b) over Bowes, European Patent No. 871145 A. Claim 1 recites sensing the format of the mail item and calculating the weight of the mail item within a particular range of weights obtained from the format. Bowes does not disclose or suggest this feature.

Bowes discloses a mailing machine (10) having a control device (300) in communication with a determining device (500) for using the width of an envelope to ascertain a proper amount of postage to be applied to the envelope (20) (Abstract). The width (or length) of the envelope is determined by sensor arrays (522, 524) or sensor assembly (550) (Col. 5, L. 31 - Col. 6, L. 21). The width of the envelope is used to determine additional postage charges that are applied to envelopes that exceed a dimensional rating requirement of various countries (col. 2, L. 30-46; Col.

6, L. 35-51). This is not the same as what is claimed in Applicants' claim 1.

The width of the envelope in Bowes is not disclosed as taking part in calculating the weight (i.e. weighing) of the mail piece. The width in Bowes merely serves to account for additional postage for envelopes over certain dimensional requirements. Nowhere is sensing the format of the mail item and calculating the weight of the mail item within a particular range of weights obtained from the format disclosed or suggested in Bowes. Thus, claim 1 is patentable over Bowes. Claims 2-6 are patentable at least by reason of their respective dependencies.

8. Claims 1, 2, 5 and 6 are patentable under 35 U.S.C. 102(b) over Dlugos, U.S. Patent No. 5,909,013. Claim 1 recites sensing the format of the mail item and calculating the weight of the mail item within a particular range of weights obtained from the format. Dlugos does not disclose or suggest this feature.

Dlugos discloses a dimensional weighing apparatus (10) having a weighing scale (18) and a measuring station (16) (Col. 6, L. 52-61). The packages are weighed by the scale (18) and then measured by the measuring station (16). The volume of the package is calculated and compared to a threshold volume. If the volume of the package is greater than the threshold volume the weight of the package is the dimensional weight which is calculated by multiplying the volume of the package by a dimensional weight constant. If the volume of the package is below the threshold volume, the weight of the package is the actual weight of the package as determined by scale (18). (Col. 9, L. 33-55). This is not the same as sensing the format of the mail item and calculating the weight of the mail item within a particular range of weights obtained from the format.

In Dlugos, the volume of a carton is measured and compared to a threshold value. If the volume is below a threshold value the weight of the package is its actual weight as determined by the scale. If the volume is over the threshold value the weight of the package is the dimensional weight of the package. Nowhere does Dlugos disclose or suggest "sensing a format of the mail item" or calculating the weight "based on a particular range of weights obtained from the format of the mail item" as recited in claim 1. Therefore claim 1 is patentable over Dlugos. Claims 2, 5 and 6 are patentable at least by reason of their respective dependencies.

9. Claims 1, 2, 5 and 6 are patentable under 35 U.S.C. 102(e) over Massucci et al., U.S. Pub. No. 2004/0122778 A1 ("Massucci"). Claim 1 recites sensing the format of the mail item and calculating the weight of the mail item within a particular range of weights obtained from the format. Massucci does not disclose or suggest this feature.

Massucci discloses a postage metering system (10) which includes a dimensional weighing system (12), postage meter (16) and printer (18) (Para. [0014]). Packages containing material other than paper are diverted to other processing devices and are not processed through the metering system (10) (Para. [0014]). Packages containing only paper are measured and the volume is calculated from dimensions obtained from the measuring system (14) (Para. [0014]). The volume of the package is multiplied by a predetermined density to obtain the weight of the package, which is sent to the postage meter (16) for printing of the indicia (Para. [0014-0015]).

The weight of the mail item in Massucci is determined solely through a dimensional weight calculation. Nowhere does Massucci

disclose or suggest sensing the format of the mail item and calculating the weight of the mail item within a particular range of weights obtained from the format. Thus, claim 1 is patentable over Massucci. Claims 2, 5 and 6 are patentable at least by reason of their respective dependencies.

10. Claims 1, 2, 5 and 6 are patentable under 35 U.S.C. 102(e) over Cooper et al., U.S. Pub. No. 2003/0225712 A1 ("Cooper"). Claim 1 recites sensing the format of the mail item and calculating the weight of the mail item within a particular range of weights obtained from the format. Cooper does not disclose or suggest this feature.

Cooper discloses a billing system (10) having a reader (16) to read a package identifier (18) (Para. [0033]), a package sizer (32) having a plurality of spaced optical sensors (34) (Para. [0034]) and a weigh scale (50) (Para. [0042]). The package dimensions, weight, the waybill number are displayed on a monitor so an operator can verify the accuracy of the information (Para. [0045]). A billing computer correlates the package data to a scale of charges for the shipping customer. This can be done by look-up table or the like, where pre-input billing charges are provided for specific package sizes or ranges of sizes. (Para. 0046)).

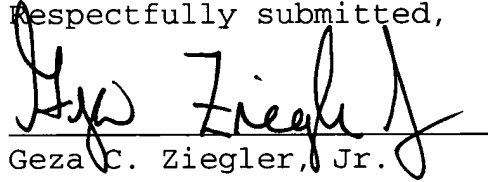
Nowhere does Cooper disclose or suggest sensing the format of the mail item and calculating the weight of the mail item within a particular range of weights obtained from the format as recited in claim 1. The dimensions of the package in Cooper are measured by the sizer (32) and weight is obtained by the scale (50). The package size in Cooper is not used to obtain a weight range from which the weight of a mailpiece is calculated. Therefore claim 1

is patentable over Cooper. Claims 2, 5 and 6 are patentable at least by reason of their respective dependencies.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of \$ 120.00 is included herewith for a one (1) month extension of time. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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3 April 2004

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